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PATENT

3738

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Bowman *et al.*

Application No. 10/081,116

Filing Date: February 21, 2002

For: TWO-LAYER EXTERNAL BREAST  
PROSTHESIS WITH SELF-SHAPING  
FEATURE AND PROCESS FOR  
MANUFACTURE THEREOF

Art Unit: 3738

Examiner: David J. Isabella

Confirmation No. 8546

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859

Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, submitted herewith is additional information known to Applicants and/or their attorneys.

In particular, as indicated in the Supplemental Information Disclosure statement filed March 10, 2006, subject matter relating to the above-referenced patent application was also involved in the following litigation matters:

<u>Case No.</u>	<u>Court</u>	<u>Action Filed</u>	<u>Parties</u>
03-02288-CV-WBH	U.S. District Court, Northern District of Georgia ( Atlanta Division)	Complaint filed July 3, 2003	American Breast Care, L.P.; Colopolast, Corp.; Joachim Rechenberg
04-16175-AA	U.S. Court of Appeals, Eleventh Circuit	Notice of Appeal dated November 23, 2004	American Breast Care, L.P.; Colopolast, Corp.; Joachim Rechenberg

To that end, Tables 1 and 2 below contain a listing of docket entries for the respective dockets of the above-referenced litigation matters.

With respect to Table 1, copies of the documents corresponding to district court docket entry numbers 1-5, 7-52, 54-69, 72-78, 80-92, 94-110, 112, 116-131, 142-160, 162-168, 172-183, 185-202, 204-223, and 225-231 are enclosed herewith. Copies of documents corresponding to remaining district court docket entry numbers 6\*, 53\*, 70\*-71\*, 79\*, 93\*, 111\*, 113\*-115\*, 132\*-141\*, 161\*, 169\*-171\*, 184\*, 203\*, and 224\* are not enclosed herewith.

<b>TABLE 1</b>	
American Breast Care, L.P., Plaintiff vs. Coloplast Corp., Defendant	
Civil Action File No. 1:03-cv-2288-WBH	
<b>District Court Docket Entry No.</b>	<b>Description</b>
1	Complaint
2	Motion for Extension of Time
3	Order
4	Motion to Dismiss
5	Return of Service Executed
<del>6*</del>	<del>Response to Motion</del>
7	Order
8	Response to Initial Disclosures
9	Certificate of Interested Persons
10	Preliminary Report and Discovery Schedule
11	Response to Initial Disclosures
12	Response to Motion
13	Order
14	Response to Motion
15	Motion for Leave to File
16	Response to Motion

<b>District Court Docket Entry No.</b>	<b>Description</b>
17	Motion for Miscellaneous Relief
18	Answer to Complaint
18	Third Party Complaint
19	Summons Issued
20	Motion to Dismiss
21	Answer to Counterclaim
22	Response to Motion
23	Motion to Dismiss
24	Notice (Other)
25	Certificate of Service
26	Motion for Partial Summary Judgment
27	Certificate of Service
28	Response to Motion
29	Acknowledgment of Service
30	Notice to Take Deposition
31	Notice to Take Deposition
32	Response to Motion
37	Affidavit
33	Answer to Counterclaim
34	Notice (Other)
38	Certificate of Service
35	Motion for Extension of Time
39	Certificate of Service
36	Order
40	Certificate of Service
41	Certificate of Service
42	Certificate of Service
43	Certificate of Service
44	Order on Motion for Protective Order
45	Certificate of Service
46	Notice to Take Deposition

District Court Docket Entry No.	Description
47	Notice to Take Deposition
48	Certificate of Service
49	Certificate of Service
50	Motion to Seal (misc.)
51	Order
52	Response to Motion
<del>53*</del>	<del>Response to Motion</del>
54	Certificate of Service
55	Notice to Take Deposition
56	Notice to Take Deposition
57	Notice to Take Deposition
58	Notice to Take Deposition
59	Notice to Take Deposition
60	Notice to Take Deposition
61	Notice to Take Deposition
62	Notice to Take Deposition
63	Response to Motion
64	Notice to Take Deposition
65	Notice to Take Deposition
66	Certificate of Service
67	Notice (Other)
68	Motion to Seal (misc.)
69	Motion for Preliminary Injunction
<del>70*</del>	<del>Response to Motion</del>
<del>71*</del>	<del>Response to Motion</del>
72	Order
73	Motion for Extension of Time
74	Order
75	Motion to Seal Document
76	Motion for Leave to File Excess Pages
77	Motion for Partial Summary Judgment

District Court Docket Entry No.	Description
78	Response in Opposition to Motion
<del>79*</del>	<del>Expert Report</del>
80	Motion for Sanctions
81	Response to Motion
82	Motion to Seal Document
83	Order on Motion to Dismiss
84	Response in Support of Motion
85	Notice (Other)
86	Notice of Filing
87	Reply Brief
88	Certificate of Service
89	Motion for Extension of Time
90	Order on Motion for Extension of Time
91	Response in Opposition to Motion
92	Notice (Other)
<del>93*</del>	<del>Notice (Other)</del>
94	Motion to Seal Document
95	Certificate of Service
96	Order on Motion to Seal Document
97	Motion for Miscellaneous Relief
98	Order
99	Reply Brief
100	Order Allowing Audio/Visual Equipment in the Courtroom
102	Certificate of Service
101	Motion to Seal Document
103	Notice of Appearance
104	Order Allowing Audio/Visual Equipment in the Courtroom
105	Motion for Order
106	Discovery Hearing
107	Motion Hearing
159	Motion to Seal Document

District Court Docket Entry No.	Description
160	Order on Motion to Seal Document
<del>161*</del>	<del>Notice of Filing</del>
108	Proposed Findings of Fact
109	Order on Motion to Seal Document
<del>111*</del>	<del>Notice of Filing</del>
112	Notice of Filing
<del>113*</del>	<del>Deposition</del>
<del>114*</del>	<del>Deposition</del>
<del>115*</del>	<del>Deposition</del>
110	Transcript
116	Transcript
162	Transcript
117	Motion to Seal Document
118	Notice of Filing
119	Deposition
120	Deposition
121	Deposition
122	Deposition
123	Order on Motion to Seal Document
124	Notice of Filing
125	Motion for Hearing
126	Response in Opposition to Motion
127	Motion to Seal Document
128	Notice of Filing
129	Deposition
130	Deposition
131	Deposition
<del>132*</del>	<del>Deposition</del>
<del>133*</del>	<del>Deposition</del>
<del>134*</del>	<del>Deposition</del>
<del>135*</del>	<del>Deposition</del>

District Court Docket Entry No.	Description
<del>136*</del>	<del>Deposition</del>
<del>137*</del>	<del>Deposition</del>
<del>138*</del>	<del>Deposition</del>
<del>139*</del>	<del>Deposition</del>
<del>140*</del>	<del>Deposition</del>
<del>141*</del>	<del>Deposition</del>
142	Reply Brief
143	Order on Motion to Seal Document
144	Notice of Change of Address
145	Certificate of Service
146	Certificate of Service
147	Notice of Change of Address
148	Certificate of Service
149	Certificate of Service
150	Notice to Take Deposition
151	Notice to Take Deposition
152	Certificate of Service
153	Notice to Take Deposition
155	Certificate of Service
156	Motion for Protective Order
157	Notice of Filing
158	Deposition
154	Order on Motion for Hearing
163	Notice of Filing
164	Notice of Filing
165	Notice of Filing
166	Response in Opposition to Motion
167	Certificate of Service
168	Notice to Take Deposition
<del>169*</del>	<del>Deposition</del>
<del>170*</del>	<del>Deposition</del>

District Court Docket Entry No.	Description
<del>171*</del>	<del>Deposition</del>
172	Motion for Partial Summary Judgment
174	Motion to Compel
175	Certificate of Service
173	Notice (Other)
176	Notice of Filing
177	Response (Non-Motion)
178	Notice of Filing
179	Notice of Filing
180	Reply to Response to Motion
181	Motion to Compel
182	Order on Motion for Partial Summary Judgment
183	Notice of Filing
<del>184*</del>	<del>Deposition</del>
185	Notice of Filing
186	Notice of Appeal
187	Response in Opposition to Motion
189	Response in Opposition to Motion
188	USCA Acknowledgment
190	Response in Opposition to Motion
191	Reply to Response to Motion
192	Reply Brief
194	Order
195	Motion to Seal Document
193	Reply to Response to Motion
196	Motion to Stay
197	Motion to Seal (misc.)
198	Response to Motion
199	Reply Brief
200	Order on Motion to Stay
201	Order on Motion to Seal



District Court Docket Entry No.	Description
202	Motion for Reconsideration
<del>203*</del>	<del>Notice of Filing</del>
204	USCA Order
205	Response in Opposition to Motion
206	Order on Motion for Reconsideration
207	Order on Motion for Preliminary Injunction
208	USCA Order
209	Certificate of Readiness Transmission
210	Forthwith letter
211	Appeal Record Sent to USCA
212	USCA Acknowledgment (other)
213	USCA Notice of Docketing ROA
214	Order on Motion for Partial Summary Judgment
215	Judgment
216	Notice of Appeal
217	Notice of E-filing Requirement
218	Transmission of Notice of Appeal and Docket Sheet to USCA
219	USCA Acknowledgment
220	Certificate of Readiness Transmission
221	Appeal Record Sent to USCA
222	USCA Acknowledgment (other)
223	USCA Notice of Docketing ROA
<del>224*</del>	<del>Deposition</del>
225	USCA Order
226	Certificate of Readiness Transmission
227	Appeal Record Sent to USCA
228	USCA Acknowledgment (other)
229	USCA Notice of Docketing ROA
230	USCA Order
231	USCA Order

Similarly, Table 2 provides a listing of docket entries for the above-reference litigation matter before the U.S. Court of Appeals for the Eleventh Circuit. Copies of the documents corresponding to appellate court docket entry numbers 10-13, 15, 18-19, 21, 26-32, and 37 are enclosed herewith. Copies of documents corresponding to appellate court docket entry numbers 1\*-9\*, 14\*, 16\*-17\*, 20\*, 22\*-25\*, 33\*-34\*, and 38\*-46\* are not enclosed.

**TABLE 2**

American Breast Care, L.P., Plaintiff-Counter-Defendant-Appellee, vs. Coloplast Corp. Defendant-Third-Party- Plaintiff-Counter-Claimant-Appellant,  Joachim Rechenberg, Third-Party-Defendant.	Civil Action No. 04-16175-AA  United States Court of Appeals for the Eleventh Circuit
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Appeals Court Docket Entry No.	Description
<del>1*</del>	<del>Fee Status: Paid (11/23/04) for Coloplast Corp.</del>
<del>2*</del>	<del>Civil Appeal Statement Form</del>
<del>3*</del>	<del>Briefing Notice Issued</del>
4*	DKT7CIV (Docketing Notice confirming brief due date) issued. To: Murphy, Charles C., Jr.; c: Gregory, Charles L.; c: Hirsch, Allen I.; c: Luther D. Thomas; c: Schlossberg, Ellen G.
<del>5*</del>	<del>Appearance Form Submitted</del>
<del>6*</del>	<del>Appearance Form Submitted</del>
<del>7*</del>	<del>Appearance Form Submitted</del>
<del>8*</del>	<del>Appearance Form Submitted</del>
<del>9*</del>	<del>DIS-4 (Letter to district court enclosing court order) issued. To: Luther D. Thomas; c: Buster, Debra G.; c: Cullinane-Smith, Lara G.; c: Gregory, Charles L.; c: Hirsch, Allen I.; c: Murphy, Charles C., Jr.; c: Schlossberg, Ellen G.</del>

Appeals Court Docket Entry No.	Description
10	Appeal is DISMISSED for lack of jurisdiction. The dist.ct.'s 11/18/04 order granting partial summary judgment to Appellee left several claims unresolved and is not final and appealable....EEC/FMH/CRW
11	Motion for Reconsideration of Panel Order dated 01/03/05: (Atty: Ellen G. Schlossberg)
12	Response to Motion for Reconsideration of Panel Order dated 1/3/05: (Atty: Debra G. Buster): (Atty: Debra G. Buster)
13	Reply in Support of Motion for Reconsideration: (Atty: Ellen G. Schlossberg)
<del>14*</del>	<del>Notice of Filing of DC's order filed 2/9/05 granting Colorplast's motion for protective order: (Atty: Charles C. Murphy, Jr.)</del>
15	Our order dated 1/3/05... dismissing this appeal for lack of juris, is VACATED and the appeal is REINSTATED to the extent that the question of whether we have juris... (see file for complete text) EEC/FMH/CRW
<del>16*</del>	<del>MOT2 (Notice of court action) issued. c:Buster, Debra G.; c:Hirsch, Allen I.; c:Murphy, Charles C., Jr.; c:Schlossberg, Ellen G.</del>
<del>17*</del>	<del>Probable Jurisdiction Noted: per court order dated 3/2/05 (Atty: Ellen G. Schlossberg)</del>
18	E-Brief Tendered: Appellant by Ellen G. Schlossberg for Coloplast Corp.
19	Appellant Brief Filed: (Atty: Ellen G. Schlossberg)
<del>20*</del>	<del>Record Excerpts. (Atty: Ellen G. Schlossberg)</del>
21	Appellee Brief Filed (pt'd for EDF): (Atty: Debra G. Buster)
<del>22*</del>	<del>BR8CIV (Brief deficiency letter) issued. To:Buster, Debra G.; c:Hirsch, Allen I.; c:Murphy, Charles C., Jr.; c:Schlossberg, Ellen G.</del>
<del>23*</del>	<del>Record on Appeal</del>
<del>24*</del>	<del>Exhibits: (Atty: Ellen G. Schlossberg)</del>
<del>25*</del>	<del>Certificate of Readiness</del>

Appeals Court Docket Entry No.	Description
26	E-Brief Tendered: Reply by Ellen G. Schlossberg for Coloplast Corp.
27	E-Brief Tendered: Appellee by Debra G. Buster for American Breast Care, L.P.
28	Reply Brief Filed: (Atty: Ellen G. Schlossberg)
29	Motion to File Supplemental Record: (Atty: Ellen G. Schlossberg)
30	E-Brief Tendered: Supplemental Appellee Brief by Debra G. Buster for American Breast Care, L.P.
31	Reply to Appellees Response to Motion to supplement the record: (Atty: Ellen G. Schlossberg)
32	Appellant motion to supplement the record is hereby...GRANTED...GBT...
<del>33*</del>	<del>MOT2 (Notice of court action) issued. To:Murphy, Charles C., Jr.; c:Buster, Debra G.; c:Hirsch, Allen I.; c:Schlossberg, Ellen G.</del>
<del>34*</del>	<del>Oral Argument Scheduled: 10/18/05</del>
<del>35*</del>	<del>Charles C. Murphy, Jr. argued for Appellant; Allen I. Hirsch argued for Appellee</del>
<del>36*</del>	<del>DIS-4 (Letter to district court enclosing court order) issued. To:Luther D. Thomas; c:Allen I. Hirsch; c:Charles C. Murphy, Jr.; c:Debra G. Buster; c:Ellen G. Schlossberg</del>
37	This case began when American Breast Care... filed a complaint against Coloplast Corp. in the USDC for the NDG... It is clear... DC's final judgment of 8/11/05, has mooted this appeal. The appeal is therefore DISMISSED (see file). GBT/PAK/HL
<del>38*</del>	<del>CASE CLOSED</del>
<del>39*</del>	<del>Motion for Reconsideration of Panel Order dated 6/2/06: (Atty: Ellen G. Schlossberg)</del>
<del>40*</del>	<del>Appellee's Brief in Opposition to Motion for Reconsideration construed as Response to Motion: (Atty: Debra G. Buster)</del>
<del>41*</del>	<del>DELETED (5): E-Brief Tendered: Appellee by Allen I. Hirsch (incomplete)</del>

Appeals Court Docket Entry No.	Description
<del>42*</del>	<del>DELETED (6): E Brief Tendered. Appellee by Allen I. Hirsch (incomplete)</del>
<del>43*</del>	<del>Reply Brief in Support of Motion for Reconsideration or, in the Alternative, for the Court to Clarify Dismissal dated 6/2/06 construed as Appellant's Reply to Appellee's Response: (Atty: Ellen G. Schlossberg): (Atty: Ellen G. Schlossberg)</del>
<del>44*</del>	<del>Corrected Reply to Appellee's Response to Motion for Reconsideration: (Atty: Ellen G. Schlossberg)</del>
<del>45*</del>	<del>Appellant's motion for reconsideration of the panel's June 2, 2006, Order is DENIED. GBT/PAK/LAWSON</del>
<del>46*</del>	<del>MOT2 (Notice of court action) issued. c:Allen I. Hirsch; c:Charles C. Murphy, Jr., c:Debra G. Buster, c:Ellen G. Schlossberg; c:James N. Hatten</del>

This Information Disclosure Statement is believed to be filed in a timely manner pursuant to 37 C.F.R. § 1.97(b)(4), in that a first Office Action on the merits of the present patent application has not yet been mailed to Applicants following the Request For Continued Examination filed under 37 C.F.R. § 1.114 on October 17, 2006.

Consideration of the cited information and making the same of record in the prosecution of the above-referenced application are respectfully requested.

/Cheryl Miller/

03/31/2009

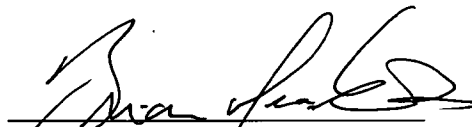
Receipt date: 12/19/2006

ATTORNEY DOCKET NO. 10/081,116 GAU: 3738  
EXPRESS MAIL NO. EL 997678185 US  
Application No. 10/081,116

No fee is believed due in connection with this submission. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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